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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,714	01/08/2002	Daniel R. Ahles	1DATA.041A	5233
20995 7590 08/20/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER OYEBISI, OJO O	
			ART UNIT 3692	PAPER NUMBER
			NOTIFICATION DATE 08/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/041,714

Applicant(s)

AHLES ET AL.

Examiner

OJO O. OYEBISI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In the amendment filed on 05/10/2007, the following have occurred: claims 1, 4,

7, 8, 11 and 24 have been amended and claims 1-29 and 38 are pending.

Further the applicant's amendment has necessitated the withdrawal of 35 U.S.C

101 rejections given in the last office action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-5, 7-9, 11-29 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Carney et al (Carney, hereinafter, US PAT: 5,890,141).

Re claim 1. Carney discloses a method of receiving a check identifier entered by a user, the method comprising: requesting a user to review an original check identifier in MICR format (see abstract), the original check identifier comprising a plurality of fields separated by separator symbols, the plurality of fields including a routing number field, an account number field and a check number field (see fig.1); instructing the user to replace the separator symbols of the original check identifier in MICR format with replacement symbols, thereby obtaining a substitute check identifier with replacement symbols; the substitute check identifier comprising the plurality of numeric fields separated by the replacement

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symbols; requesting the user to enter the substitute check identifier; and identifying the routing number field, the account number field and the check number field within the entered substitute check identifier (see fig.1 elements 30, 40 and 50, also see fig.4 elements 510, 530, see col.4 lines 32-56).

Re claim 2. Carney further discloses the method wherein the users uses a computer keyboard to enter the replacement symbols keyboard (Carney discloses inputting MICR data, see fig.4 elements 510 and 530 which is inherently done by the use of a computer keyboard).

Re claim 4. Carney discloses a method comprising instructing a user to replace the separator symbols within an original MICR format check identifier with replacement symbols, thereby obtaining a substitute check identifier (i.e., At block 520 and 530, the MICR data is inputted and stored at (J) index value location in the system. The system at; block 540 interprets the payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found on the check, the system queries as to the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40), the original MICR format check identifier comprising numeric fields and the separator symbols, and the substitute check identifier comprising the numeric fields and the replacement symbols.

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Re claim 5. Carney further discloses the method further comprising instructing the user to enter the substitute check identifier with a computer keyboard (Carney discloses inputting MICR data, see fig.4 elements 510 and 530 which is inherently done by the use of a computer keyboard).

Re claim 7. Carney further discloses a computer program for check entry comprising: module computer code stored on a computer-readable medium configured to instruct a user to replace the separator symbols within an original MICR format check identifier with replacement symbols, thereby obtaining a substitute check identifier, the original MICR format check identifier comprising numeric fields and the separator symbols, and the substitute check identifier comprising the numeric fields and the replacement symbols; and computer code stored on a computer-readable medium configured to instruct the user to enter the substitute check identifier into a compute system or a telephone system (i.e., input check (j), input MICR(J), see fig.4 elements 510 and 530, also fig.7 lines 18-25) or a telephone system.

Re claim 8. Carney further discloses a method comprising instructing a user to replace separator symbols within an original MICR format check identifier with replacement symbols, thereby obtaining a substitute check identifier-wherein the original MICR format check identifier includes a routing number, an account number; a check number, and at least one separator symbol; wherein the separator symbol is a non-numeric symbol; and wherein the substitute check identifier includes the routing number, the account number, the check number, and at least one replacement symbol (i.e., At block 520 and 530, the MICR data

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is inputted and stored at (J) index value location in the system. The system at; block 540 interprets the payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found on the check, the system queries as to the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40).

Re claim 9. Carney further discloses the method further comprising instructing the user to enter the substitute check identifier with a computer keyboard keyboard (Carney discloses inputting MICR data, see fig.4 elements 510 and 530 which is inherently done by the use of a computer keyboard).

Re claims 11-15. Carney further discloses a method of receiving a check identifier during a check transaction, the method comprising: receiving a substitute check identifier (i.e., expected check digit received from the issuer, see col.4 lines 25-30) the substitute check identifier comprising a routing number, an account number and a check number, the substitute check identifier further including at least one replacement symbol wherein the replacement symbol substitutes for at least one separator symbols within a MICR line (see fig.1 elements 30, 40, 50); and processing the substitute check identifier to identify at least one of the routing number, the account number and the check number (i.e., At block 520 and 530, the MICR data is inputted and stored at (J) index value location in the system. The system at; block 540 interprets the

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payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found on the check, the system queries as to the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40).

Re claims 16, 17, 18. Carney further discloses the method wherein the act of processing the substitute check identifier identifies the routing number by searching for a field comprising at least nine digits (i.e., At block 520 and 530, the MICR data is inputted and stored at (J) index value location in the system. The system at; block 540 interprets the payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found

on the check, the system queries as to the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40).

Re claim 19. Carney further discloses the method wherein the act of processing the substitute check identifier identifies the account number by first identifying the routing

Field (see fig.1 element 30).

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Re claim 20. Carney further discloses the method wherein the act of processing the substitute check identifier identifies the check number by comparing the fields in the substitute check identifier to a separately entered check number (see col.4 lines 25-31).

Re claim 21. Carney further discloses the method wherein the replacement symbol exists between the account number and the routing number (see fig.1 element 30, 40, and 50).

Re claim 22. Carney further discloses the method wherein the replacement symbol exists between the account number and the check number (see fig.1 element 30, 40, and 50).

Re claim 23. Carney further discloses the method wherein the replacement symbol exists at the beginning of the check identifier (see fig.1 element 30, 40, and 50).

Re claims 24, 25, and 26. Carney further discloses a method of receiving a check identifier during a check transaction, the method comprising: receiving from a user, a substitute check identifier (i.e., expected check digit received from the issuer, see col.4 lines 25-30), wherein the substitute check identifier has at least one replacement symbol that is used in lieu of a separator symbol within an original check identifier (see fig.1 elements 30, 40, 50); wherein the original check identifier comprises a routing number field, an account number field, a check number and at least one separator symbol, and wherein the substitute check identifier comprises the routing number field, the account number field, the

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check number, and at least one replacement symbol; and parsing the received substitute check identifier to distinguish at least one of the routing number field, the account number field and the check number field (i.e., At block 520 and 530, the MICR data is inputted and stored at (J) index value location in the system.

The system at; block 540 interprets the payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found on the check, the system queries as to the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40).

Re claim 27. Carney further discloses the method, further comprising: verifying that the entered substitute check identifier includes at least one replacement symbol, and if the substitute check identifier does not include at least one replacement symbol, instructing the user to enter a substitute check identifier with at least one replacement symbol (i.e., At block 520 and 530, the MICR data is inputted and stored at (J) index value location in the system. The system at; block 540 interprets the payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found on the check, the system queries as to

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the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40)

Re claim 28. Carney further discloses the method, wherein the act of parsing comprises identifying a first nine-digit distinguished field within the substitute check identifier as the routing number (see fig.1 elements 30, 40, and 50).

Re claim 29. Carney further discloses the method, wherein the act of parsing comprises identifying a distinguished field that matches the user-entered check number as the check number field, and identifying the routing number field (i.e.,

At block 520 and 530, the MICR data is inputted and stored at (J) index value location in the system. The system at; block 540 interprets the payee name and other appropriate check data, including the algorithm number and check digit if printed on the face or MICR line of the check, then applies the appropriate algorithm to the captured MICR line and image to generate a check digit value CD (J). At test 550, if the algorithm number and/or check digit are not found on the check, the system queries as to the existence of a paid issuance file, previously transferred from the drawee bank, see col.7 lines 18-40).

Re claim 38. Carney further discloses a system for receiving a check identifier during a check transaction, the system comprising a means for receiving a substitute check identifier (see col.4 lines 18-30), wherein the substitute check identifier comprises at least one replacement symbol that replaces at least one separator symbol within an original MICR format check identifier with at least one generic symbol (see fig.1 elements 30, 40, 50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 3, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney.

Re claims 3, 6, 10. Carney does not explicitly disclose the method wherein the users use a telephone keypad to enter the replacement symbols. However, as per these features, the Examiner asserts that it is well known in the art at the time of the invention for a purchaser or buyer performing a remote purchase to either use a touch tone phone to input their check number or the MICR line. The user may also opted to speak these information to an operator or a voice

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recognition system. Thus it would have been obvious to one of ordinary skill in the art to incorporate such a feature in the system of Carney in order to allow or facilitate remote purchasing by a customer or user from a remote merchant.

Response to Arguments

5. Applicant's arguments filed 05/10/2007 have been fully considered but they are not persuasive. Applicant argues in substance that Carney fails to disclose instructing the user to replace the separator symbols of the original check identifier in MICR format with replacement symbols, thereby obtaining a substitute check identifier having the plurality of numeric fields of the original check identifier separated by the replacement symbols, and identifying the routing number field, the account number field and the check number field within the entered substitute check identifier. Contrary to the applicant's disclosure, the examiner maintains that Carney discloses a system and method for detecting and thus preventing check fraud utilizing a digital computer with image capture and interpretation systems. The system converts the payee information, issue date and the MICR line information (account number, check number and dollar amount) to a check digit which is then placed into the MICR line of a check, printed on its face or transmitted via the paid issuance file to the drawee bank. The drawee bank, upon presentment utilizes a transformation algorithm to convert the printed payee information and issue date on the check into a numerical value that is combined with MICR line information and a check digit is calculated based upon pre-agreed logic. This unique data processing system

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quickly confirms properly presented checks while effectively preclude payee and other alterations in a cost effective manner. Thus the conversion of MICR line information (account number, check number and dollar amount) to a check digit which is then placed into the MICR line of a check, taught by Carney, is akin to the replacement of the separator symbols of the original check identifier in MICR format with replacement symbols, thereby obtaining a substitute check identifier having the plurality of numeric fields of the original check identifier separated by the replacement symbols as taught by the applicant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD E. CHILCOT can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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